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08/552366

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

08/552366

#1
7-3-96
PC

In re Application of:

KLAUS W. HARTIG, STEVEN L.
LARSON AND PHILIP J. LINGLE

Group Art Unit: (Unknown)

Examiner: (Unknown)

Serial No.: (Unknown)

Atty. Dkt. No.: 12372.290

Filed: (Herewith)

For: NEUTRAL, HIGH PERFORMANCE,
DURABLE LOW-E GLASS COATING:
SYSTEM, INSULATING GLASS
UNITS MADE THEREFROM, AND
METHODS OF MAKING SAME

FILED
JAN 24 1995
OFFICE OF PETITIONS
AND APPEALS

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13p23
1/31/96

PETITION TO EXPUNGE CONFIDENTIAL INFORMATION
(37 C.F.R. §§1.97, 1.56 AND M.P.E.P 724.02, .05)

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Now come the above-identified Applicants and petition the
Honorable Commissioner of Patents pursuant to M.P.E.P. 724.02 to
expunge certain proprietary information found in the sealed
envelope attached to this Petition, from the record after
consideration thereof by the Examiner during his examination of
this application.

Pursuant to the aforesaid section 724.02 M.P.E.P., the
envelope in which the confidential information is found has been
sealed and has been clearly labeled as such by being marked
"CONFIDENTIAL MATERIAL NOT OPEN TO THE PUBLIC", "TO BE OPENED
ONLY BY EXAMINER OR OTHER AUTHORIZED PATENT AND TRADEMARK OFFICE
EMPLOYEE".

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Application to A



The information contained therein is: (1) a twenty-two page document and (2) a twenty-three page document reflecting upon certain alleged confidential information of a third party, Airco Corporation, related to its commercially available products known as Super-E III and Super-E IV, respectively. With, and attached to the Information Disclosure Statement submitted simultaneously herewith, along with the other references, there is provided a redacted version of these two documents. The only information redacted out is any alleged proprietary information. Left in is what is believed to be only unproprietary and non-confidential information. The redacted versions, freely available to the public upon issuance of a patent herefrom is submitted for the Examiner's comparative consideration.

It is respectfully submitted given these redacted versions, as well as the description of the corresponding Super-E III and IV systems as presented in the application's BACKGROUND SECTION, that this Petition may be granted because none of the proprietary information (as perhaps opposed to the non-proprietary information) will be found by the Examiner to be relevant or material to the Examiner's deliberations. We, of course, leave to the Examiner, the ultimate determination as to this issue.

Further pursuant to the provisions of M.P.E.P. 724.05, the six criteria set forth therein for permitting such a petition, are herein fulfilled as follows:

1. A clear identification of the information to be expunged without disclosure of the details thereof has been

presented above and is found in the clearly marked envelope attached hereto.

2. A clear statement of the information to be expunged and subject to the Protective Order is the full text of the documents found in the sealed envelope as compared to the freely available, redacted form of each found in the IDS statement. On information and belief, the comparative information allegedly proprietary to Airco, has not been otherwise made available to the public.

3. Since this application has not yet been examined, it is not possible to identify the application paper which held the information to be important to decide to the issue of patentability. We respectfully request the Examiner to consider this Petition and the confidential information during his deliberations.


4. Petitioners hereby agree to retain the information in the enclosed sealed envelope for the length of time of any patent with regard to which such information is submitted upon grant of this Petition and the return of the sealed envelope and its contents to the undersigned.

5. The Petition to Expunge, along with the allegedly confidential information in the sealed envelope, is being submitted herewith by the Applicants and their assignee, Guardian Industries Corporation. The information is that of a third party Airco Corporation.

6. Pursuant to 37 C.F.R. §1.17(h), the requisite fee in the amount of \$130.00 for a petition under 37 C.F.R. §1.182 is

submitted herewith. Should any additional monies be necessary to cover this fee, the United States Patent and Trademark Office is authorized herewith to charge that additional amount to Applicants' account no. 13-5132.

Respectfully submitted,


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Dated: Nov. 2, 1995

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